ARGUMENT:

A.   Claim Objections

The Examiner objected on the grounds that claim 64 was used to refer to two claims. As suggested by the Examiner, the last claim has been changed to claim number 65 in order to correct this typographical error. Accordingly, Applicant believes that this objection has been overcome.

B.   Rejection Under 35 U.S.C. § 112, ¶ 2

Claims 51 and 52 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as claims 51 and 52 were dependent on claim 50, which is a dependent claim. Applicant has amended claims 51 and 52 to now depend on claim 48 in order to correct this typographical erroe. Accordingly, Applicant believes that this rejection has been overcome.

B.   Rejection Under 35 U.S.C. § 102(e)

Claims 35- 65 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,473,500 ('Risafi'). Applicant respectfully traverses the rejection of these claims.

1.   The Claimed Invention of Applicant

Independent claim 35 and independent claims 40 and 48 of the present invention recite a payment system and methods, respectively, that include both an intermediary account and an end-user account. In these claims, the intermediary account is associated with at least one corresponding end-user account. The end-user account is maintained by a vendor, such as a telecommunication carrier. For example, the end-user account may be a prepaid wireless carrier account that is configured and maintained on the wireless carrier's information system.

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Likewise, the end-user account may be provided for by any number of different vendors offering

various services and/or products.

The intermediate account of the present invention, when linked with an end-user account,

serves as a conduit in which payment transactions may be initiated at merchant locations, and the

results effected at the end-user account of the vendor. That is, the intermediate account provides

a routing mechanism that allows for payment related details to be electronically communicated

to vendor systems so that updates are posted to the end-user accounts. During a payment

transaction, the transaction proceeds under the guise of the intermediate account (i.e., the

transaction is processed using the intermediate account number). The payment processor

receives the intermediate account number and transaction information and references the

association between the intermediate account and the end-user account. Using the end-user

account association, the payment processor is able to communicate the payment information to

the appropriate vendor information system. The ultimate result of payment transactions of the

present invention is to effect some change at the end-user account, which is maintained by a

vendor not the facilitator of the payment system.

Referring to independent claim 35, the claim recites a system that includes:

> a payment processor including a database for storing a list of participating
> point-of-sale merchants and further including a database associating each of a
> plurality of intermediary account numbers with at least one corresponding end-
> user account number, each end-user account number associated with a
> corresponding vendor; and

> the payment processor operable to exchange electronic messages with the
> point-of-sale terminal via the financial network and including means for crediting
> an indicia of monetary value to a corresponding intermediary account stored in a
> database coupled to the payment processor in response to receiving a payment
> message from the point-of-sale terminal, and further including interface means for
> communicating at least a recharge transaction to the corresponding vendor to
> credit a selected one of the end-user accounts associated with the corresponding

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intermediary account in response to crediting the corresponding intermediary account.

(emphasis added). Independent claim 40, recites a method that includes the following steps:

> establishing an intermediary account having a corresponding account identifier;
> associating the account identifier of the intermediary account with an end-user's prepaid account maintained by a telecommunication vendor and storing the association in a database coupled to a central payment processor, wherein the association includes information that allows the central payment processor to identify the end-user's prepaid account when presented with the account identifier;...
> in the central payment processor, if the validating step results in approval of the transaction, sending a message to the telecommunication vendor for loading value into the end-user's associated prepaid account responsive to the payment transaction.

(emphasis added). Likewise, independent claim 48 recites:

> establishing an intermediary account in a database that is coupled to the payment processor, the intermediary account having a corresponding account identifier;
> associating the intermediary account with an end-user account associated with a corresponding vendor;...
> sending a message to the vendor for loading value into the end-user account responsive to the payment transaction.

(emphasis added). As shown in Figure 2, there is a Payment Processor 40 and Carrier PrePaid Platform 112.

2.   Risafi Does Not Anticipate Independent Claims 35, 40, and 48

In the Office Action, the Examiner again asserts that Risafi anticipates the three independent claims of the present application. (The Office Action does not address the various dependent claims. and thus the Examiner has cited no basis for rejecting dependent claims 36-39, 41-47, and 49 - 65.) Applicant respectfully argues that Risafi does not anticipate the invention of Applicant as claimed in the application. In citing Risafi, the Examiner expressly cites only claim 40 in the Office Action, see Office Action, at 3-4, and implicitly asserts that the same arguments

apply to claims 35 and 48. Applicant respectfully traverses that implied assertion as the limitations of the three independent claims are identical. For example, because the Examiner cites only a method claim, Risafi does not disclose the limitation at the end of claim 35 that reads "and further including interface means for communicating at least a recharge transaction to the corresponding vendor to credit a selected one of the end-user accounts associated with the corresponding intermediary account in response to crediting the corresponding intermediary account." More importantly, however, Risafi does not disclose the use of an intermediate account that is associated with the end-user account of a vendor.

Risafi discloses the use of a single account of a vendor. In Risafi, the card processing center (i.e., the Prepaid Debit Card Center illustrated in various Figures) configures an "account file" that is associated with a card number. The account file is used to store and keep track of the balance remaining on the card after a purchase. (Col 4, lines 24-28). Unlike the intermediary account and end-user accounts claimed in the present invention, Risafi describes only one account that is activated for keeping track of transactions made by the card holder. Referring to Figure 2, for example, Risafi recites that the balance in the account file is decreased when purchase are made (box 250) and when cash is withdrawn (box 260). The same account file is increased when value is added (box 270). (Col. 10, lines 41-59). Moreover, with regard to Figure 4, Risafi describes that the Card File 406 "keeps track of the cards that are in use. . . and are still open, how much value is in each card account, and the PIN for that card." (Col. 10, lines 52-57).

In the Office Action, the Examiner cites to specific parts of Ristafi. Applicant has reviewed these citations and respectfully traverses that the citations support anticipation of the present invention. For example, on page 3 of the Office Action, the Examiner cites 102 and 104

for "establishing an intermediary account having a corresponding account identifier." A review

of these two items, however, show that 102 is the card issuer and 104 is the sales agent. These

two elements of Risafi do not disclose the establishing of an intermediary account having a

corresponding account identifier. Second, on page 3 and 4 of the Office Action, with respect to

"associating the account identifier of the intermediary account with an end-user's prepaid account

maintained by a telecommunication vendor and storing the association in a database coupled to a

central payment processor, wherein the association includes information that allows the central

payment processor to identify the end-user's prepaid account when presented with the account

identifier," the Examiner cites "10, 100, 102, 104, 112, 110, 108, 106 of fig. 1." In the

Specification of Risafi, Fig. 1 is described as "a diagram of the components of a system for using

a prepaid card." Resafi, col. 4, lns. 25-26. Fig. 1 does not disclose associating the account

identifier of an intermediary account with an end-user's account with a telecommunication

vendor. Rather Fig. 1 discloses a block diagram that labels the foregoing figure numbers with

the following items: 10 (card user), 100 (card), 102 (issuer), 104 (agent), 106 (terminal), 110

(prepaid card process center) with logical connections 112 (between the issuer and the prepaid

card process. center) and 108 (between prepaid process center and the terminal). There is

nothing in Fig. 1 regarding the association of an intermediary account with an end-user account.

The Examiner next recites a final limitation from claim 40 on page 3 of the Office

Action, namely, the limitation "in the central processor, if the validating step results in approval

of the transaction, sending a message to the vendor for loading value into the end-user account

responsive to the payment transaction," and then cites column 7, lines 19-55 of Resafi as

anticipating this limitation. See Office Action, page 4. An examination of this excerpt from

Resafi shows does not support the disclosure of this limitation:

The system and method of the present invention have several advantages over the prior art systems using prepaid cards. First, because the card is not shipped to the agent with a PIN and value pre-stored on the card ready for use, the card can be purchased by the card user in any denomination allowed by the issuer. Second, when purchasing the card, the card user can select a PIN that is easily remembered and can change that PIN after the initial account activation. Third, because the cards are not activated before they are shipped, there is no danger of employee theft or of someone intercepting the shipment and using the monetary value associated with the card. Fourth, because the system includes a central processing center which communicates with many merchants and service providers, the card can be purchased and the card account reloaded at any appropriate terminal or other approved device connected to the central processing center by a network, and the card can be used to make purchases, withdraw cash, or receive services at any terminal or merchant which can connect to the central processing center ("network terminal"). Network terminals include point-of-sale ("POS") terminals within retail establishments, ATMs affiliated with financial institutions, and terminals or other devices operated by card issuers or their authorized agents. Thus, the card is well suited for many specific market needs including use while traveling at home or abroad. Fifth, because the card is reloadable, there is no need to worry about not having enough value on the card or being inconvenienced by having to acquire a new card when the balance in the account is depleted. Finally, use of the card is immediate, much like a cash card. However, unlike a cash card, the cash value does not actually reside on the card, but is recorded in the card processing center database connected to the network terminals. Thus the card is more secure than a cash card because a PIN or verified signature may be required in order to use it. If the card user loses the card, not only can the card not be used by anyone else, but the card user may be able to recover the value on the card.

Resafi, col. 7, lns. 19-55 (emphasis added). This cited passage does not include a disclosure of "in the central processor, if the validating step results in approval of the transaction, sending a message to the vendor for loading value into the end-user account responsive to the payment transaction." It discusses the advantages of the Risafi system, but not the particular claim limitation of Applicant at issue. More importantly, Risafi does not disclose the use of an intermediary account that is associated with an end-user account as set forth in the claims of the Applicant. Restafi only discloses the use of one account at the card processing center database.

In the next citation on page 5 of the Office Action, The Examiner cites a different passage of Resafi as teaching associating an end-user account that is provided for a vendor with an intermediate account:

> The method for using the prepaid card includes purchasing a card issued by an issuer, perhaps through an agent at a retail establishment via an agent terminal, selecting a PIN, selecting the opening account balance, having the card activated at the point of purchase, and, over time, using the card to purchase goods and/or services. The PIN and the card number are transmitted over a communications network to the card processing center to be stored in an account file associated with that card number. Also transmitted and stored in the account file is the amount of value purchased. The balance remaining on the card after a purchase or purchases are made will be kept in the account file. . . . Once activated, the card user can immediately use the card to make purchases . . . and the card user can replenish the value on the card at any appropriate terminal connected to the processing center.

Id., col. 4, lns. 17-45. This passage, however, does not teach associating an intermediary account number with an end-user account with a vendor. Rather, this passage discusses the single end-user account that is discussed through out Risafi, namely, the single end-user account at the prepaid card processing center 110 or the prepaid debit card center 404. The only account that is discussed in Risafi is the one at the central processor. Each of Figures 4, 5b, 6a, 6b, 7a, and 7b show a prepaid debit card center (404) with a card & account file (406). There is no mention of an account other than the end-user account, and there is no mention of an intermediary account that is associated with the end-user account. Accordingly, Risafi does not disclose the limitations of the present invention related to the intermediary account and the association of the intermediary account with the end-user account.

By way of example, Figure 9b of Risafi illustrates a process of using a prepaid telephone card. Rather than the TELCO maintaining an end-user account as would be the case with the present invention, at block 928, Risafi describes the TELCO communicating with the card

processing center to verify that the card number it has been provided and the pin are valid. (Col. 16, lines 41-43). From the card processing center, the TELCO retrieves how much value remains in the card account and determines how much phone time remains in the card account. (Col. 16, lines 44-49).

To further explain the differences between the claimed invention and Risafi, Applicant has attached a diagram (Attachment A) to further illustrate the differences between Risafi and the present application with respect to the claim limitations related to the association of an intermediary account with the end-user account. Attachment A is based on Figure 4 of the Risafi and Figure 9 of the present application. Attachment A includes claim language from independent claim 35, and notes the use of an intermediary account that is associated with an end-user account in the inventions claimed in the present application. Attachment A is not intended to be exhaustive of all the claim limitations in the present application that are not disclosed in Risafi. As can be seen in the Attachment A, Risafi does not disclose the use of both an intermediary account and an end-user account or the association of such accounts.

In short, Risafi fails to disclose, teach, or suggest various limitations recited by independent claims 35, 40, and 45 of the present invention. More particularly, Risafi does not teach or suggest associating an end-user account that is provided for by a vendor with an intermediate account. Moreover, Risafi does not teach or suggest "if the validating step results in approval of the transaction, crediting an indicia of monetary value to the corresponding intermediary account in response to the payment transaction and sending a message to the vendor for loading value into the end-user account responsive to the payment transaction." Restafi cannot teach the foregoing limitation because Risafi teaches only one account that is provided for by the card processing center and stored as an account file.

As set forth in MPEP § 2131, a claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth is found, either expressly or inherently described, in a single prior art reference. Because Risafi does teach or suggest each and every element in independent claims 35, 40, and 45, the rejection of these claims should be withdrawn. It follows that intervening dependent claims 36-39, 41-44, and 46-65 should also be allowed since these dependent claims carry with them all of the limitations of the independent claims to which they refer. It should be noted that the Examiner has not provided any basis for rejecting the limitations of the dependent claims that are outstanding, and thus has provided no basis for rejecting such claims. Applicant respectfully traverses all of the rejections of the dependent claims as without support in the Office Action, and respectfully requests reconsideration of the rejections. Accordingly, Applicant respectfully requests that the Examiner withdraw all of the rejections of the present application based on Risafi.
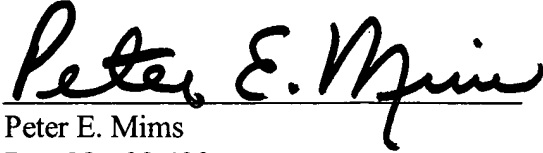
REMARKS:

Claims 35-65 are pending in the application. Claims 35, 40, and 48 are independent claims. Dependent claims 51 and 52 have been amended to depend on claim 48 rather than cancelled claim 50. In addition, as claim 64 was used to refer to two claims, the last claim is now referred to as claim 65.

Applicant believes this Response to be fully responsive to all outstanding issues and places this application in condition for allowance. Reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned attorney at 713-758-2732 with any questions, comments or suggestions relating to the referenced patent application.
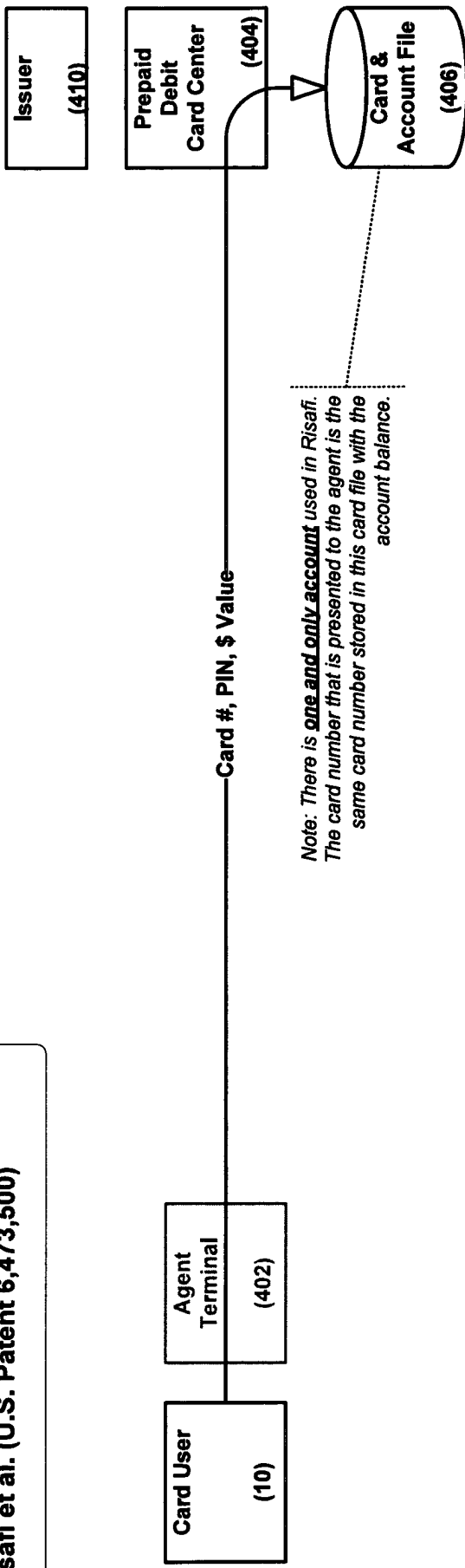
Respectfully submitted,

VINSON & ELKINS L.L.P.
Attorneys for Applicants

Peter E. Mims
Reg. No. 32,429
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002
(713) 758-2732

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Risafi et al. (U.S. Patent 6,473,500)

Issuer (410)

Prepaid Debit Card Center (404)

Card & Account File (406)

Card User (10)

Agent Terminal (402)

——— Card #, PIN, $ Value ———

Note: There is *one and only account* used in Risafi. The card number that is presented to the agent is the same card number stored in this card file with the account balance.
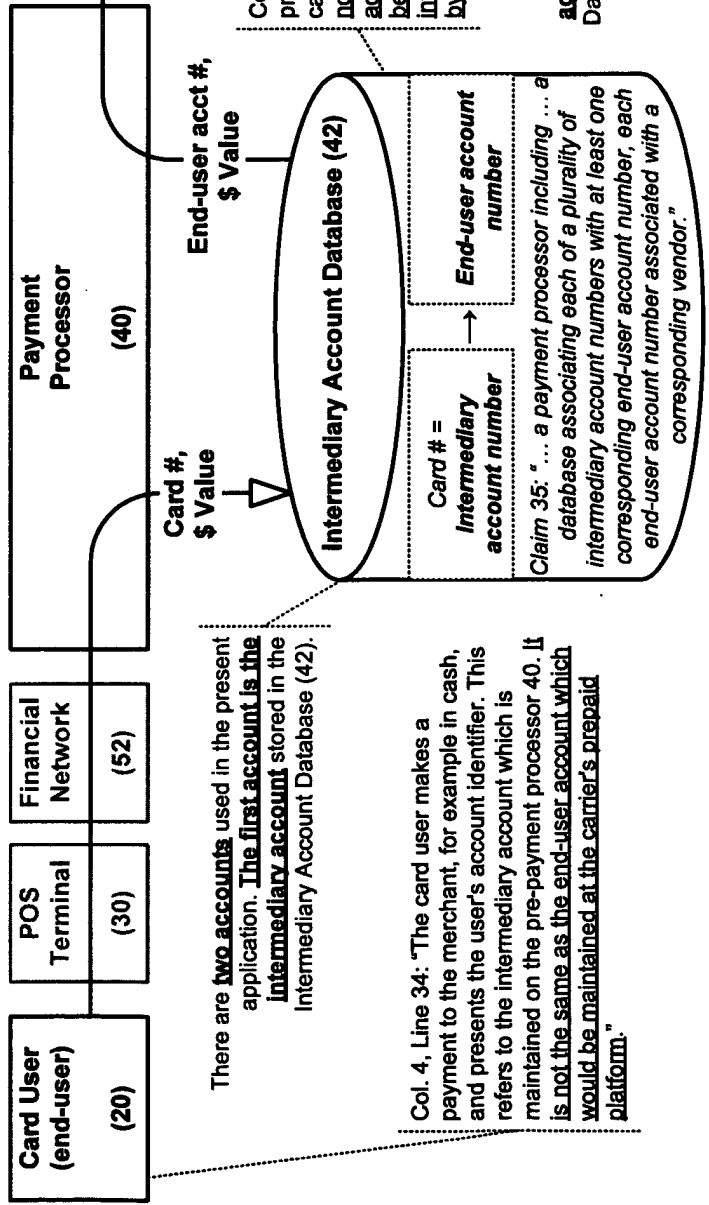
Present Application

Customer Processor (212)

Claim 35: "... further including interface means for communicating at least a recharge transaction to the corresponding vendor to credit a selected one of the end-user accounts associated with the corresponding intermediary account in response to crediting the corresponding intermediary account."

Col 5, Line 34: "...the processor 40 then provides a load notification signal to the carrier prepaid platform. This load notification identifies the end-user account that corresponds to (having been previously associated with) the intermediary account number presented by the card user at the point-of-sale"

The second account is the end-user account number stored in the Customer Database (214) with the account balance.

Customer Database (214)

Payment Processor (40)

End-user acct #, $ Value

Card #, $ Value

Intermediary Account Database (42)

Card # = Intermediary account number → End-user account number

Claim 35: "... a payment processor including ... a database associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, each end-user account number associated with a corresponding vendor."

Card User (end-user) (20)

POS Terminal (30)

Financial Network (52)

There are *two accounts* used in the present application. *The first account is the intermediary account* stored in the Intermediary Account Database (42).

Col. 4, Line 34: "The card user makes a payment to the merchant, for example in cash, and presents the user's account identifier. This refers to the intermediary account which is maintained on the pre-payment processor 40. It is not the same as the end-user account which would be maintained at the carrier's prepaid platform."